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Amendment Under 37 C.F.R. § 1.111
U.S. Appln No. 10/684,659

Atty Dkt No. Q77912

REMARKS

Claims 1-8 are all the claims pending in the application. By this Amendment, new claims 4-8 are added.

Claims 1-2 are rejected under 35 U.S.C. § 102(e) as being anticipated by Nishimoto *et al.* (U.S. Patent 6,484,581; hereinafter "Nishimoto"). Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant adds new claims 4-8 to more fully claim the invention and submits the arguments below in traversal of the prior art rejections.

Applicant respectfully submits that claim 1 is patentable because each and every element of the claim is not disclosed by Nishimoto. Claim 1 recites, *inter alia*:

An ultrasonic wave utilizing device comprising:

a cylindrical elastic holder . . . ; and

a cylindrical part . . . , characterized in that the elastic holder has an elastic end wall, and
a first elastic retaining part for retaining an outside end edge of the ultrasonic sensor which is pressed into the elastic holder

Applicant submits that Nishimoto fails to disclose the first elastic retaining part as claimed.

In the Office Action, the Examiner states that the rubber holder 8 corresponds to the claimed elastic holder. The rubber holder 8 is shown to have a cylindrical shape and has an ultrasonic sensor 2 disposed therein. The rubber holder 8, however, has nothing to retain an outside end edge of the ultrasonic sensor 2. Rather, Fig. 1 shows the rubber holder 8 as not even

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reaching the outside end edge of the ultrasonic sensor 8. Therefore, claim 1 is patentable because Nishimoto fails to disclose the claimed first elastic retaining part.

Claim 2, which depends from claim 1, is patentable for at least the reasons submitted for claim 1.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373

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Date: February 3, 2005